

**REMARKS:**

In the outstanding Office Action, the Examiner rejected claims 1-64. Claims 1, 13, 30, 42, 48, 49, 52 and 64 are amended herein. No new matter is presented. Thus, claims 1-64 are pending and under consideration. The rejections are traversed below.

**REJECTION UNDER 35 U.S.C. § 103(a):**

Claims 1-64 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,233,318 (Picard) and U.S. Patent No. 5,029,200 (Haas).

In response to the Office Action mailed April 19, 2006 and subsequent to an Examiner Interview, Applicants argued that the combination of U.S. Patent No. 6,446,114 (Bulfer) and Picard does not teach or suggest the interactive categorization of messages and retrieval of the messages according to a request by a recipient via the voice user interface, as taught by the claimed invention. Specifically, it was pointed out that Bulfer does not cure the deficiency in the teachings of Picard that teaches away from executing complex sorting over the telephone.

In the outstanding Office Action, the Examiner combines Picard with Haas. However, Picard is directed to providing a user with limited control over the messages using the voice interface (i.e., messages counts, indicating urgency of the messages) and providing complex inventory sorting using a PC-based interface (see, col. 6 lines 48-52). Picard states that the limited control via the voice interface is to prevent subscriber confusion because a PC interface preferably shows much more information to the user without overloading the subscriber, and allows sophisticated operations such as organizing messages into folders (see, col. 6, lines 59-62).

The Examiner acknowledges that Picard does not disclose a telephone based voice user interface and retrieving messages according to a request by the recipient via the voice user interface, but relies on Haas as teaching the same. However, Haas is directed to presenting information about messages using a combination of recorded and synthetic speech. Col. 8, lines 1-14 of Haas, in pertinent part states, "For message retrieval, the recipient may have to dial a special number, receive prompts... before obtaining messages. In such a case, the VMS subscriber can enter his or her personal code and the system will retrieve *all* messages stored in the mail box (e.g., 600) associated with that personal code" (emphasis added). That is, Haas does not teach or suggest variable ways of selecting the order in which messages are presented, under user (caller) control.

Haas describes a system in which a recipient of messages uses a special "display telephone" (see, col. 8, lines 19-23) for getting a list of the messages, from which the recipient selects (see, col. 8, lines 24-35). However, ordinary phones are not this sort of "display phone" and cannot display such information.

Haas, starting at col. 8, line 47, discusses use of a non-display phones where the VMS 100 generates the sender's name in synthetic voice which the recipient hears, for each message, to select to hear or skip to the next message. In particular, Haas explicitly states:

"In step 310 the recipient listens to the system announcement which includes pre-recorded voice words (common phrases) and synthetic voice words including the sender's name and, optionally, the sender's number. In this manner, the listener at non-display station set 103A may audibly sequence through the list of waiting voice mail messages to determine who sent each message before selecting to listen to any particular sender's voice mail message. It should be noted that steps 308-310 can also be utilized with a display telephone."

(col. 9, lines 38-45 of Haas).

As can be seen from the above discussion, the recipient using a non-display phone is presented with a mix of pre-recorded and synthetic speech announcing the sender's name and optionally the sender's number generated by the VMS 100 that transmits "in chronological order, each message header 400 to switching system 102" (see, col. 8, lines 24-35). That is, Haas does not teach or suggest a system that enables a recipient to listen to all message headers and then select, for example, "message 7" (i.e., as specified by the recipient). Instead, the messages in Haas are presented in a fixed chronological order in which they are received, only allowing the recipient to listen/skip a message.

Applicants respectfully submit that the Examiner's conclusion of obviousness is based on improper hindsight reasoning. In particular, per Examiner's own assertion, Picard does not disclose a voice user interface for retrieval of messages in response to a recipient's request. In fact, Picard explicitly states, "sorting, message selection or folder capabilities are preferably not provided through the voice interface..." (see, col. 6, lines 56-62). And the Haas system retrieves all messages stored in a mailbox associated with a particular personal code in chronological order and provides each retrieved message header to the recipient in a sequence that is not controlled by the recipient.

Following the Examiner's reasoning, would require assuming one skilled in the art at the time of the invention would be motivated to make use of sorting via voice interface, contrary to Picard's teaching away of using the same, and combining Haas' teaching of displaying each

message header for selection of a message to be listened to by the recipient via a special display phone.

In view of all the factual information, absent the benefit of impermissible hindsight vision afforded by the claimed invention, one of ordinary skill in the art at the time of the invention would not modify Picard which states that sorting, message selection or folder capabilities are preferably not provided through the voice interface with Haas. It is also improper to combine a reference where the reference teaches away from their combination (see, MPEP § 2145).

Further, even if one combines Picard and Haas, the combination thereof does not teach or suggest retrieval of messages according to “order” requested by the recipient “using the voice user interface”, as taught by the claimed invention.

Independent claim 1 recites, “the plurality of messages are enabled to be interactively categorized according to the at least two attributes into overlapping lists of messages by a recipient of the plurality of messages and **retrieved according to an order requested by the recipient via said voice user interface**” (emphasis added). Independent claims 13, 48 and 52 recite similar features.

Similarly, claim 30 recites, “receiving the newly-arrived message during a session using a telephone based voice user interface” and “presenting the newly-arrived message to a user who is an intended recipient of the newly-arrived message before the user takes action to end the session **based on a categorization order previously specified by the intended recipient using said voice user interface**” (emphasis added). Claims 42 and 49 recite similar features.

Independent claim 64 recites, “sorting the messages according to multiple attributes thereof, an addressee of the messages controlling a sort order of the messages **without requiring the addressee to review said multiple attributes**” (emphasis added). The claimed invention of claim 64 also recites that the messages are retrieved based on “the sort order requested by the addressee using a telephone based voice user interface” and provided to the addressee of the messages.

As can be seen from the above discussion of the claims, Picard and Haas, alone or in combination, do not teach or suggest retrieval of messages according to “an order requested by the recipient via the voice user interface”, as recited in claims 1, 13, 30, 42, 48, 49, 52 and 64 (“a categorization order” in claims 30, 42 and 49 and “sort order” in claim 64).

For at least the above-mentioned reasons, claims depending from the independent claims are patentably distinguishable over Picard and Haas. The dependent claims are also independently patentable. For example, claim 25 recites that the system can select "a list of messages for presentation comprising an intersection of at least two of the overlapping lists" (see also claim 27).

Picard and Haas do not teach or suggest interactive categorization of messages for retrieval via a voice user interface including selecting "a list of messages for presentation comprising an intersection of at least two of the overlapping lists", as recited in claims 25 and 27.

Therefore, withdrawal of the rejection is respectfully requested.

**REQUEST FOR WITHDRAWAL OF FINALITY:**

In light of the above, Applicants respectfully submit that prima facie case of obviousness has not been established and request withdrawal of the finality of the outstanding Office Action.

**ENTRY OF AMENDMENT:**

Applicants respectfully request entry of amendments to the claims because the amendments were made to clarify features already recited in the claims and do not introduce significant changes that would require a further search.

**CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited. If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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